

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ALEX VINCENT GOLOSOW,

Plaintiff,

v.

**Civil Action No. 2:10 CV 71
(BAILEY)**

**JIM RUBENSTEIN, WILLIAM FOX,
BRADY STEPHENS, JOE HILL,
SGT. STEVEN KALINOFSKI AND
LT. MIRANDA QUINN,**

Defendants.

ORDER

The above-styled civil rights action was instituted on June 3, 2010, by *pro se* plaintiff Alex Vincent Golosow. The case was referred to United States Magistrate Judge John S. Kaull in accordance with Rule 2 of the Local Rules of Prisoner Litigation Procedure and 28 U.S.C. § 1915(e) and 1915A.

On August 6, 2010, Magistrate Judge Kaull issued an Opinion/Report and Recommendation ("R&R") wherein he recommended that the plaintiff's Complaint be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e) and 1915A for failure to state a claim for which relief may be granted.

The R&R provided the parties with fourteen (14) days from the date of service in which to file objections thereto and advised the parties that a failure to timely file objections would result in the waiver of their right to appeal from a judgment of this Court based upon the same.

The Court's review of the docket in the above-styled action has revealed that no

objections have been filed. An August 10, 2010, docket entry shows that service was accepted on August 9, 2010.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the Magistrate Judge's findings to which objection is made. The Court is not, however, required to review, under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984).

Upon consideration of Magistrate Judge Kaull's R&R, and having received no written objections thereto, it is

ORDERED that the Opinion/Report and Recommendation entered by United States Magistrate Judge John S. Kaull on August 6, 2010 (Doc. 13), be, and the same is hereby, **ADOPTED** for the reasons more fully stated therein. It is further


ORDERED that, pursuant to 28 U.S.C. §§ 1915(e) and 1915A, the plaintiff's Complaint (Doc. 1) be, and the same is hereby, **DISMISSED WITH PREJUDICE** for failure to state a claim for which relief may be granted. It is further

ORDERED that the Clerk of Court shall enter judgment for the defendants. It is further

ORDERED that, should the plaintiff desire to appeal the decision of this Court, written notice of appeal must be received by the Clerk of this Court within thirty (30) days

from the date of the entry of the Judgment Order, pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The \$5.00 filing fee for the notice of appeal and the \$450.00 docketing fee should also be submitted with the notice of appeal. In the alternative, at the time the notice of appeal is submitted, the plaintiff may, in accordance with the provisions of Rule 24(a) of the Federal Rules of Appellate Procedure, seek leave to proceed *in forma pauperis* from the United States Court of Appeals for the Fourth Circuit.

DATED: December 16, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE